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Total Number Of Pages In This Submission

4

Application Number

09/847,526

Filing Date

1 May 2001

First Named Inventor

Daniel SANTI, et al.

Group Art Unit

1636

Examiner Name

Terry Alan McKelvey

Attorney Docket No.

300622005400

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SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Brenda J. Wallach Reg. No. 45,193 Morrison & Foerster LLP 3811 Valley Centre Drive, Suite 500, San Diego, California 92130
Signature	<i>Brenda J. Wallach</i>
Date	September 12, 2002

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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Diane Blevins
Diane Blevins

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PATENT
Docket No. 300622005400

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Diane Blevins

Diane Blevins

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#7

In the application of:

Daniel SANTI, et al.

Serial No.: 09/847,526

Filing Date: 1 May 2001

For: OVERPRODUCTION HOSTS FOR
BIOSYNTHESIS OF POLYKETIDES

Examiner: Terry Alan McKelvey

Group Art Unit: 1636

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated August 13, 2002 for which a response is due on September 13, 2002. Accordingly, this response is timely filed. Applicant respectfully requests consideration of the following remarks.

Restriction Requirement

The Examiner is requiring restriction under 35 U.S.C. §121 to one of the following inventions:

- I. Claims 1-8, drawn to a method for producing a first polyketide;
- II. Claims 9-12; drawn to an overproducing host cell;
- III. Claims 13-17, drawn to a recombinant host cell modified to contain one or more attB or attP sites;
- IV. Claim 18, drawn to a method for obtaining a transformant; and
- V. Claims 19-20, drawn to a cell.

The Examiner has stated that the inventions are distinct from each other for the reasons set forth in the Office Action. Applicant hereby elects Group I, Claims 1-8, without traverse.

Applicant expressly reserves his/her right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicant requests examination of the elected subject matter on the merits.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 300622005400. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: September 12, 2002

By: Brenda J. Wallach
Brenda J. Wallach
Registration No. (45,193)

Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-7961
Facsimile: (858) 720-5125